



U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street, 3rd Floor
New York, New York 10007

November 10, 2021

By ECF and Email

(CronanNYSDChambers@nysd.uscourts.gov)

Hon. John P. Cronan
United States District Court
Southern District of New York
500 Pearl Street, Courtroom 12D
New York, NY 10007

Re: *W.P.V., on his own behalf and on behalf of his minor child, W.P.O. v. U.S., et al.*
No. 21 Civ. 4436 (JPC)

Dear Judge Cronan:

The parties provide the below update regarding the above-captioned case. On July 22, 2021, the Court granted the Government's application to stay this matter pending settlement negotiations, adjourned the initial conference *sine die*, and ordered the parties to submit a status update by September 2, 2021. Dkt. No. 21. In that status update, the parties requested that the stay be continued until November 19, 2021, and that the parties provide a further update by November 10, 2021. Dkt. No. 27. The parties write to provide the Court with the ordered status update and to request an additional 30-day stay of this matter until December 20, 2021.

On September 20, 2021, the Court also granted the request of Cayuga Home for Children, Inc. d/b/a/ Cayuga Centers ("Cayuga") for a stay and for an extension of time to answer, or otherwise respond to, the Complaint to November 19, 2021. Dkt. No. 31.

Over the past 60 days, the United States and the group of counsel coordinating negotiations on behalf of plaintiffs and claimants ("Coordinating Counsel") have continued to work diligently in an effort to resolve the many district court cases and administrative tort claims that have been filed by claimants across the country, arising from family separations at the United States/Mexico border that occurred during the prior administration. An agreement has not been reached. However, a further abeyance will allow the parties to continue focusing their efforts on attempting to resolve these matters. Accordingly, the parties jointly request that this action, including all proceedings and case deadlines, be held in abeyance for an additional 30 days. The parties, therefore, propose providing the Court with a further update on December 13, 2021, including addressing the date by which the Government and Cayuga must respond to the complaint in the event the stay is going to be lifted. At that point, the parties hope that they will have further clarity on the likelihood of potentially resolving this matter or whether the stay must be lifted in order to allow litigation to commence.

Similarly, counsel for plaintiffs and Defendant Cayuga continue to engage in good faith settlement negotiations. However, to the extent that Plaintiffs' counsel seeks to achieve a global

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settlement, negotiations between plaintiffs and Cayuga have essentially tracked with those of the negotiations with the Government.

Accordingly, the parties respectfully request that the stay in this matter be continued to December 20, 2021, and that the parties provide the Court with a further status update by December 13, 2021.

We thank the Court for its consideration of this matter.

Sincerely,

This case is stayed until December 20, 2021. The parties shall file a status letter by December 13, 2021. In that status letter, the parties must propose a deadline for the Government to respond to the Complaint.

SO ORDERED.

Date: November 12, 2021
New York, New York



JOHN P. CRONAN
United States District Judge

/s/ Aamir A. Kazi

Aamir A. Kazi (*pro hac vice*)

GA Bar No. 104235

Karan Jhurani (*pro hac vice*)

GA Bar No. 290326

Fish & Richardson P.C.

1180 Peachtree Street NE

21st Floor

Atlanta, GA 30309

Telephone: 404-892-5005

Fax: 404-892-5002

kazi@fr.com

Attorney for Plaintiff W.P.V., on his own behalf and on behalf of his minor child, W.P.O.

DAMIAN WILLIAMS

United States Attorney for the

Southern District of New York

/s/ Alexander J. Hogan

ALEXANDER J. HOGAN

REBECCA R. FRIEDMAN

Assistant United States Attorneys

86 Chambers Street, Third Floor

New York, New York 10007

Tel.: (212) 637-2799/2614

E-mail: alexander.hogan@usdoj.gov

rebecca.friedman@usdoj.gov

COFFEY MODICA O'MEARA, LLP

_____/s/ Sherri A. Jayson _____

Attorneys for Defendant

*Cayuga Home for Children, Inc. d/b/a/ Cayuga
Centers*

200 East Post Road, Suite 210

White Plains, NY 10601

(212) 827-4501

sjayson@cmollp.com